IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.935 OF 2006
IN
SUIT NO.1549 OF 1981

Shivkumar N.Joshi ..Plaintiffs

Vs.

Sukhdev N.Joshi and Ors. ..Defendants

Mr.J.G.Damani for the plaintiffs

Mr.S.P.Dalal i/b Dalal and Co. for the defendant no.1 in support of Notice of Motion.

CORAM : S.U.KAMDAR, J
DATED : 7TH APRIL, 2006

P.C.:

1. By consentof the parties, motion made returnable forthwith and heard:

2. For the reasons set out in para 2 and 3 of the affidavit in support, which are in the nature of personal difficulty of learned counsel for the plaintiffs since he was busy in the other court. I am of the view that the motion should be made absolute. Accordingly, motion made absolute in terms of prayer clause (a), order dt.1.3.06 is set aside. Notice of Motion No.3312 of 2003 is

restored and the office is directed to place the same on board for hearing and final disposal on 19.4.06.

3. The learned counsel for defendant no.1 shall pay cost as a condition precedent of sum of Rs.5000 to the plaintiffs. Motion disposed of accordingly.